UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,541	10/08/2001	Daniel R. Bolar	10010463-1	4434

29053　　7590　　03/22/2005	EXAMINER	
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.	MASKULINSKI, MICHAEL C	
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SUITE 2800	ART UNIT	PAPER NUMBER
DALLAS, TX 75201-2784	2113	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/972,541	BOLAR, DANIEL R.
	Examiner	Art Unit	
	Michael C Maskulinski	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 December 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) <u>18 and 26-29</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-17 and 19-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Final Office Action

Claim Objections

1.   In view of the recent amendments, the objection of claim 23 has been withdrawn.

Claim Rejections - 35 USC § 112

2.   In view of the recent amendments, the rejection of claim 9, under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention, has been withdrawn.

Claim Rejections - 35 USC § 102

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

4.   Claims 1-3, 7, 8, 11-13, 17, 20-22, and 25 are rejected under 35 U.S.C. 102(e)

as being anticipated by Tentij et al., U.S. Patent 6,513,129.

Referring to claims 1, 11, and 20:

a.   In Figure 1, Tentij et al. disclose network elements.

b.   In column 1, lines 40-44, Tentij et al. disclose that the system includes a

gateway and a management processor system. The gateway is communicatively

connected to a network for receiving alarm incidents from the network (a gateway

managing the network element and receiving fault alarm incidents from the

network element).

c.   In column 4, lines 43-47, Tentij et al. disclose management processors for

handling policies relating to elements, the network, service, or business. Further,

in column 5, lines 28-34, Tentij et al. disclose that the management processor

system may be implemented on one or more connected servers such that each

processor may be physically distinct from the other (distributed management

servers; and policy objects distributed across the distributed management

servers so that each policy object resides on and is executable by a respective

distributed management server).

d.   In column 1, lines 41-47, Tentij et al. disclose that the gateway has a rule

engine for selecting a control object from a set of control objects based on

information from the alarm incident, and processing the selected control object.

The management processor system has a processor for processing configuration

objects in response to the selected control object for implementing fault

management objectives defined by at least one user. Further, in column 4, lines

43-47, Tentij et al. disclose that identifying and parsing involves identifying the

incident's source and associated management level so that it may be processed

in the correct management processor (each policy object defining fault

management behavior for managing the network element by the gateway,

wherein a respective policy object is executed by the distributed management

server on which the policy object resides in response to a respective fault alarm

incident received by the gateway and associated with the policy object, to

thereby implement the fault management behavior defined by the respective

policy object in response to the respective fault alarm incident).

Referring to claims 2, 12, and 21, in column 4, lines 36-47, Tentij et al. disclose

that the gateways include a rule engine for identifying and parsing incoming incidents

that involves identifying the incident's source and associated management level so that

it may be processed in the correct management processor (a decision object stored in

the gateway, the decision object defining decision behavior for routing fault alarm

incidents received by the gateway from the network element to an appropriate

distributed management server for execution of a policy object residing on said

appropriate distributed management server).

Referring to claims 3 and 13, in column 7, lines 44-56, Tentij et al. disclose that

the gateway rule engine uses a combination of hierarchical and relational logic for

selecting the "closest" control object. The incoming incident is matched, from very

specifically to very generally, against a set of possible control object name strings. For

example, an incident could include information about a network element including its

domain, its function, and its specific assigned identification code. The rule engine would

look for a control object name with all of these parameters; however, if not found, it

could then select one with two or even just one of the parameters (the decision object is

a data path tree associating attributes of the network element with a respective policy

object).

Referring to claims 7, 17, and 25, in column 8, lines 35-39, Tentij et al. disclose

that the management processing system would take appropriate action such as

displaying alert information on the display terminal interface. In other cases, the basic

processing in the gateway may directly cause an alert message to be displayed on the

Alert Display (an alert server generating alerts based on fault conditions in accordance

with the policy objects).

Referring to claim 8, in column 6, lines 23-27, Tentij et al. disclose that the MIB

(management information base) is an information base for storing objects and rules for

managing the network tag in response to incoming incidents. In one embodiment, MIB

comprises Network elements section, application rules section, and configuration

objects section (a management information base operable to store software objects

corresponding to the network element).

Referring to claim 22, in column 6, lines 23-27, Tentij et al. disclose that the MIB

(management information base) is an information base for storing objects and rules for

managing the network tag in response to incoming incidents. In one embodiment, MIB

comprises Network elements section, application rules section, and configuration

objects section (means for associating attributes of the managed network elements with

the distributed management servers for implementing the fault management behaviors

defined by the software).

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   Claims 4-6, 9, 10, 14-16, 19, 23, and 24 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Tentij et al., U.S. Patent 6,513,129 B1, and further in view of

Fenger et al., U.S. Patent 6,751,659 B1.

Referring to claims 4 and 14, in column 6, lines 23-27, Tentij et al. disclose an

MIB that is an information base for storing objects and rules for managing the network

tag in response to incoming incidents. However, Tentij et al. don't explicitly disclose a

policy server communicatively coupled to the distributed management servers, the

policy server storing policy objects and operable to distribute the stored policy objects to

the distributed management servers. In column 1, lines 60-65, Fenger et al. disclose

that the primary server (policy server) maintains and manages a set of policy rules in a

form of a policy tree. It would have been obvious to one of ordinary skill at the time of

the invention to include the policy server of Fenger et al. into the system of Tentij et al.

A person of ordinary skill in the art would have been motivated to make the modification

because a central location for storing policy rules allows a user of the system to change

a policy and have the changes reflected in all of sub-systems (see Fenger et al.: column

2, lines 30-40). This simplifies the process of making policy rule changes.

Referring to claims 5, 15, and 19, in column 7, lines 10-14, Tentij et al. disclose a

configuration editor used for editing the configuration objects within the configuration

objects section. Configuration objects are edited in order to change how incoming

incidents are processed so as to effectuate the objectives or policies of the

management system (a policy builder user interface communicatively coupled to the

policy server, the policy builder user interface operable to receive input from a user for

defining policy objects).

Referring to claims 6 and 16, in column 2, lines 57-67 continued in column 3,

lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities

and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (a configuration file communicatively accessible by the policy server, the configuration file storing information defining the distributed management servers to which the policy objects are to reside).

Referring to claim 9, in column 7, lines 10-14, Tentij et al. disclose a configuration editor used for editing the configuration objects within the configuration objects section. Configuration objects are edited in order to change how incoming incidents are processed so as to effectuate the objectives or policies of the management system (a policy builder comprising an interface operable to receive user input defining said information stored to the configuration file).

Referring to claim 10, in column 2, lines 63-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (logic executable to distribute the policy objects to the distributed management servers in accordance with the configuration file).

Referring to claim 23, in column 6, lines 23-27, Tentij et al. disclose an MIB that is an information base for storing objects and rules for managing the network tag in response to incoming incidents. However, Tentij et al. don't explicitly disclose a means

for distributing the software objects to the distributed management servers. In column

1, lines 60-65, Fenger et al. disclose that the primary server maintains and manages a

set of policy rules in a form of a policy tree and distributes them accordingly. It would

have been obvious to one of ordinary skill at the time of the invention to include the

primary server of Fenger et al. into the system of Tentij et al. A person of ordinary skill

in the art would have been motivated to make the modification because a central

location for storing policy rules allows a user of the system to change a policy and have

the changes reflected in all of sub-systems (see Fenger et al.: column 2, lines 30-40).

This simplifies the process of making policy rule changes.

Referring to claim 24, in column 7, lines 10-14, Tentij et al. disclose a

configuration editor used for editing the configuration objects within the configuration

objects section. Configuration objects are edited in order to change how incoming

incidents are processed so as to effectuate the objectives or policies of the

management system (means for graphically generating the software objects).

Response to Arguments

7.   Applicant's arguments, filed December 30, 2004, with respect to the

rejection(s)of claim(s) 1, 11, and 20 under 35 USC 102(e) as being anticipated by

Fenger et al. have been fully considered and are persuasive. Therefore, the rejection

has been withdrawn. However, upon further consideration, a new ground(s) of rejection

is made in view of Tentij et al.

8.   On page 9, under section V., the Applicant argues, "Tentij does not disclose

policy objects distributed across distributed management servers as recited, for

example, in independent claims 1 and 11." The Examiner respectfully disagrees for the

reasons given above in the rejection and in column 5, lines 28-34 in Tentij et al.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The prior art cited is related to policy objects and network

management.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM

SCOTT BADERMAN
PRIMARY EXAMINER